

**REMARKS**

Claims 8, 17, 23, and 26-29 are currently pending in the present application, with Claims 9, 18, 24, and 30-33 being canceled, and Claims 8, 17, 23 being amended.

The examiner rejected Claims 23 and 24 under 35 U.S.C. 112, second paragraph for being indefinite. This rejection is moot with respect to canceled Claim 24, and is overcome by Applicants' amendment to Claim 23 to further clarified the claimed invention.

The Examiner rejected Claims 8, 9, 17-18, 23, 24, 26, 27, 29-31, and 33 under 35 U.S.C. 103(a) as being unpatentable over Ohomori (U.S. Patent No. 6,477,315) in view of Mandt (U.S. Patent No. 6,621,532). This rejection is moot with respect to the canceled claims and respectively traversed with respect to the amended claims.

The present invention is directed to a method and system for editing performance data, such as performance data that can be used to generated musical tones. An important aspect of the editing feature is allowing a user to attach an execution icon to a layer of the performance data for effective a particular type of effects to the layer of data. Specifically, in accordance with the claimed invention, execution icons are attachable to one of the display layers, wherein the attached execution icon represents execution data related to the execution function of the attached layer. For instance, as shown in Fig. 2 of the present application, execution icons related to the "Dyna" function are attached to the "Dyna" layer displayed, whereas execution icons related to tempo are attached to the tempo layer displayed.

The present invention as recited also allows a user to delete the attached execution icon by deleting the execution-related data upon detecting a graphical user command that moves the icon outside of a prescribed display area.

Neither Ohomori nor Mandt contain any disclosure of the above-described features of the present invention.

Specifically, Ohomori discloses a GUI for the editing of video data, and that an effect icon can be attached to an effect track (35D) in the edit list creation section 35. Mandt, on the other hand, discloses an invention directed at the improvement of an editing application wherein a pull-down menu can be dragged and dropped and is thus moved in and out of a tool bar menu. However, the references, even when combined, do not disclose or suggest editing performance data itself by adding to or deleting from the performance data execution-related data, wherein the execution-related data is added or deleted in response to attaching or detaching an execution icon from a displayed layer of the performance data. Accordingly, Applicants respectfully submit that Claims 8, 17, 23, and 26, 27, and 29 are not obvious in view of Ohomori and Mandt.

The Examiner rejected Claims 28 and 32 under 35 U.S.C. 103(a) as being unpatentable over Ohomori in view of Mandt and in further consideration of Weinstock (U.S. Patent No. 6,166,314). This rejection is moot with respect to canceled Claim 32 and is respectfully traversed with respect to Claim 28.

Claim 28 is ultimately dependent from Claim 8. As discussed above, neither Ohomo nor Mandt, even when combined, contain any disclosure or suggestion of attaching and detaching execution-related data to performance data on a displayed layer in response to detecting the attachment or detachment of an execution on the displayed layer. Weinstock fails to make up for this deficiency. Weinstock is directed to an apparatus for correlating performance data onto a musical score, where the performance data is inputted in real time. There is not disclosure or suggestion in Weinstock pertaining to the attachment or detachment of execution icons.

Accordingly, Applicants respectfully submit that Claim 28 is not obvious in view of the cited references.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 393032019712. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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